

Remarks

1. Examiner Interview

On May 12, 2005, Applicants' undersigned representative participated in a teleconference with Examiner Flood to discuss the issued Advisory Action dated April 7, 2005 and possible amendments to the pending claims that would place them in a condition for allowance. The Examiner indicated that an amendment to restrict the claims to a method of treating Type II diabetes would overcome the outstanding 35 U.S.C. § 112, first paragraph rejection and thereby place the pending claims in a condition for allowance. The Examiner agreed to consider a supplemental response incorporating this amendment to claims 1 and 32. The undersigned thanks Examiner Flood for her participation in the interview and for her willingness to discuss the merits of the case.

2. Amendments to the Claims

Claims 1 and 32 have been amended to delete a method of preventing Type II diabetes. Applicants have made this amendment strictly for purposes of expediting prosecution of the subject application. Thus, this action by Applicants should not be viewed as an acquiescence to the Examiner's assertions of lack of enablement. Further, Applicants make this amendment with the understanding that the cancelled subject matter may pursued in a future continuation application. The amendment to claims 1 and 32 add no new matter. After entry of the above amendments, claims 1-10, 12, 25, 29, 30, 32 and 34-37 will be pending.

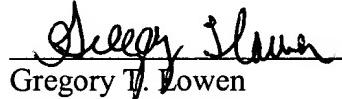
2. Conclusion

Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner's rejections. Accordingly, the claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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